

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SHAWN DRUMGOLD,)	
Plaintiff)	
)	
v.)	
)	04-CV-11193-NG
TIMOTHY CALLAHAN, FRANCIS)	
M. ROACHE, RICHARD WALSH and)	
THE CITY OF BOSTON,)	
Defendants)	
_____)	

DEFENDANTS' FRANCIS M. ROACHE AND THE CITY OF BOSTON
MOTION IN LIMINE TO EXCLUDE EVIDENCE OF RACIAL ANIMUS

Defendants the City of Boston and Francis M. Roache move the Court to *in limine* preclude the Plaintiff from introducing evidence at trial with regard to racial animus on the part of the defendant officers, personnel, including supervisory officers, of the Boston Police Department and a custom, policy or practice of the City of Boston to violate the constitutional rights of African-American citizens based on race. The Defendants request that the Plaintiff be prohibited from making any reference to and/or introducing into evidence any documents, testimony or other materials for the purpose of injecting the race of the Plaintiff or any other persons into the trial of this action.

As grounds therefore, the Defendants state that the Plaintiff has not asserted a claim of racial discrimination, assert his membership as being in a protected class, or put the defendants on notice in his complaint that racial animus on the part of the Defendants was a motive for the constitutional violations he alleges. Further, the evidence on which he is expected to rely at trial must be excluded under Federal Rules of Evidence 401 (Irrelevant), 403 (Unfairly Prejudicial) and 404 (Character Evidence Not Admissible to Prove Conduct).

Further support for this Motion is provided in the accompanying Memorandum of Law.

Respectfully submitted,
By Defendants City of Boston and
Francis M. Roache
Through their attorneys,

/s/ John P. Roache
John P. Roache (BBO# 421680)
Patrick J. Donnelly (BBO# 651113)
Roache & Associates, P.C.
66 Long Wharf
Boston, Massachusetts 02110
Tel.: (617) 367-0330

Date: March 16, 2008

CERTIFICATE OF SERVICE

I, John P. Roache, hereby certify that on March 16, 2008, I served a copy of the above upon counsel of record by filing with the ECF/Pacer Case Management System.

/s/ John P. Roache
John P. Roache